

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

**SUSAN WELCHEL, individually, and as
personal representative of the ESTATE
OF LANE GREY WELCHEL**

Plaintiffs,

v.

**CAMERON R-I SCHOOL DISTRICT,
BOARD OF EDUCATION OF CAMERON R-I
SCHOOL DISTRICT,
DR. MATT ROBINSON, and
TIFFANI COLLINS,**

Defendants.

Case No. 5:19-cv-06012-FJG

**DEFENDANTS' MOTION TO EXCLUDE
CERTAIN TESTIMONY AND OPINIONS FROM DR. ROY LUBIT**

COMES NOW Defendants, Cameron R-1 School District ("District"), the Board of Education of the Cameron R-1 School District ("Board"), District Superintendent Dr. Matt Robinson ("Robinson") and District Middle School Principal Tiffani Collins ("Collins"), (hereinafter collectively referred to as "Defendants"), by and through the undersigned counsel, and hereby move this Court for an Order precluding Plaintiffs from presenting certain testimony and opinions of their purported expert witness Dr. Roy Lubit at trial or in any other hearing or motion in this case. In support of their Motion, Defendants state as follows:

1. The admissibility of expert testimony is governed by Federal Rule of Evidence ("FRE") 702 which mandates that a proposed expert witness be qualified in order to testify as an expert witness. FRE 702 further mandates, among other things, that the expert's scientific, technical, or other specialized knowledge help the trier of fact to understand the evidence or to determine a fact in issue; and that the testimony is the product of reliable principles and methods.

2. On August 1, 2019, Plaintiffs served their expert disclosures in the instant case, identifying Dr. Lubit as a retained expert under Fed. R. Civ. P. 26(a)(2)(B) and submitted his report regarding his opinions. *See* Dkt. No. 31 and 31-1.

3. At the beginning of his report, Dr. Lubit provided the following information in regards to his retention by Plaintiffs and his expertise:

I was asked by Chris Dove, lawyer for Lane Welchel's mother to review records and to assess the reasons for his suicide.

I am a psychiatrist board certified in Psychiatry, board certified in Child and Adolescent Psychiatry, and board certified in Forensic Psychiatry. I have particular experience concerning emotional trauma and have lectured and published on this topic.

4. Throughout his report, however, Dr. Lubit offers testimony and opinions far outside of his stated expertise and the purpose of his retention.

5. The opinions of Dr. Lubit regarding the Defendants' policies and procedures, as well as the Defendants' application of such policies and procedures should be excluded because they are offered without the requisite expertise, they are too speculative, and they are not supported with sufficient facts or data.

6. In further support of this Motion, Defendants offers their Suggestions in Support, which is filed contemporaneously and incorporated by reference into this Motion.

WHEREFORE, for all of the foregoing reasons described and as set out in Defendant's Suggestion of Law in Support of their Motion to Exclude Certain Testimony and Opinions from Plaintiffs' expert Dr. Roy Lubit, Defendants respectfully request that this Court grant their Motion, enter an Order excluding Dr. Lubit from giving testimony regarding the Defendants' policies and procedures as well as the Defendants' application of such policies and procedures at trial or any other hearing or motion in this case, and grant such other and further relief as this Court deems just and proper.

Respectfully Submitted,

MICKES O'TOOLE, LLC

By: /s/ Grant Wiens

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Dr. Matt Robinson, and Tiffani Collins*

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of October, 2019, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of filing to the following:

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